

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,588,212
Appl. No. : 10/615,673
Filed: : July 8, 2003
Inventor(s) : Jeffrey W. Moe, et al.
Title : METHOD AND APPARATUS FOR NOISE ABATEMENT AND ICE PROTECTION
OF AN AIRCRAFT ENGINE NACELLE INLET LIP
Our Ref. No. : 104874-142119

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF E-FILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: May 17, 2010
Electronic Signature for Sherise Reovan /Sherise Reovan/

**REPLY TO DECISION ON REQUEST FOR RECALCULATION OF PATENT TERM
ADJUSTMENT IN VIEW OF WYETH**

To The Commissioner:

This is a Reply to the Decision On Request For Recalculation Of Patent Term Adjustment In View Of Wyeth (“the Decision”) mailed on April 20, 2010 regarding the above-captioned patent. The deadline for filing of a Reply is May 20, 2010. Accordingly, this Reply is timely filed. Please charge any fees, although none are believed to be due, to Deposit Account No. 06-0923.

The Decision dismissed Patentee’s Request For Recalculation Of Patent Term Adjustment In View Of Wyeth filed on March 15, 2010 (“the Request For Recalculation”). As explained below, the dismissal was in error. Accordingly, recalculation of the patent term adjustment is respectfully requested.

Statement Of Details

The following is a statement of details:

- U.S. Patent No. 7,588,212 issued on September 15, 2009.
- On March 15, 2010, the Request For Recalculation was deposited with the United States Postal Service as “First Class” mail under 37 C.F.R. § 1.8, along with a return receipt

postcard. Attached hereto, as Exhibits 1-3, are copies of: (1) the Certificate of Mailing (“Exhibit 1”); (2) the Return Receipt Postcard (“Exhibit 2”); and, (3) the Request For Recalculation (“Exhibit 3”).

- The Decision was mailed on April 20, 2010 dismissing the Request For Recalculation.

Remarks

It is respectfully submitted that the dismissal of the Request For Recalculation was made in error. No specific reason for dismissal is provided in the Decision. It is believed that the reason for the dismissal was an erroneous determination that the Request For Recalculation was filed more than 180 days after the grant date of the patent. However, as explained below, the Request For Recalculation was timely filed.

U.S. Patent No. 7,588,212 issued on September 15, 2009. The period of 180 days from the issue date of September 15, 2009 fell on March 14, 2010, which was a Sunday. Patentee filed the Request For Recalculation on the following Monday, March 15, 2010, in accordance with 37 C.F.R. § 1.7. The attached copy of the Certificate of Mailing and the attached copy of the Return Receipt Postcard demonstrate that the filing of the Request For Recalculation was done on March 15, 2010 in accordance with 37 C.F.R. §§ 1.7 and 1.8. Accordingly, the Request For Recalculation was filed timely.

In view of the foregoing, withdrawal of the dismissal of the Request For Recalculation is respectfully requested. The Office is invited to contact the undersigned attorney for Patentee to discuss any outstanding issues.

Respectfully submitted,



Louis S. Sorell (Reg. No. 32,439)
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
(212) 459-7421; (212) 813-8800

Date: May 17, 2010

EXHIBIT 1

Patent: U.S. Patent No. 7,588,212
Issue Date: September 15, 2009
Application No.: 10/615,673
Filing Date: July 8, 2003
Inventor(s): Jeffrey W. Moe, et al.
Title: METHOD AND APPARATUS FOR NOISE ABATEMENT
AND ICE PROTECTION OF AN AIRCRAFT ENGINE
NACELLE INLET LIP
Atty Docket No.: 104874-142119

CERTIFICATE OF MAILING

Deposited: March 15, 2010

I hereby certify that this and the enclosed paper(s) is/are being deposited with the United States Postal Service as "First Class" mail on the date indicated above, in an envelope addressed to: Mail Stop Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Submitted herewith are the following items:

1. Certificate of Mailing (1 page);
2. Request for Recalculation of Patent Term Adjustment In View Of Wyeth (PTO/SB/131) (1 page); and
3. Return Receipt Postcard

TOTAL PAGES IN THIS SUBMISSION: 2 + postcard

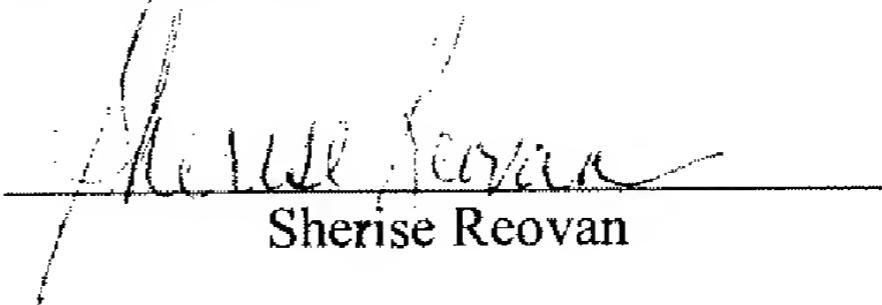

Sherise Reovan

EXHIBIT 2

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent : U.S. Patent No. 7,588,212
Issue Date : September 15, 2009
Application No. : 10/615,673
Filing Date : July 8, 2003
Inventor : Jeffrey W. Moe, et al.
Title : METHOD AND APPARATUS FOR NOISE ABATEMENT
AND ICE PROTECTION OF AN AIRCRAFT ENGINE
NACELLE INLET LIP
Attorney Docket No. : 104874-142119

The U.S. Patent & Trademark Office stamp herein acknowledges receipt of the following:

1. Certificate of Mailing (1 page);
2. Request for Recalculation of Patent Term Adjustment In View Of Wyeth (PTO/SB/131) (1 page);
and
3. Return Receipt Postcard.

For a total of 2 pages + postcard

Date Mailed: March 15, 2010



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EXHIBIT 3

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket Number:	104874-142119	Patent Number:	7,588,212
Filing Date (or 371(b) or (f) Date):	07/08/2003	Issue Date:	09/15/2009
First Named Inventor: Moe			
Title: Method And Apparatus For Noise Abatement And Ice Protection Of An Aircraft Engine Nacelle Inlet Lip			

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature	Date	03/15/2010
Name (Print/Typed)	Louis S. Sorell	
	Registration Number	
<p><u>Note:</u> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p> <p><input checked="" type="checkbox"/> *Total of _____ forms are submitted.</p>		

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.